IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

WP(C).No. 27017 of 2007(N)

PETITIONERS:
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1. SOUTH INDIAN PLANTATION WORKERS UNION
REG.NO.42 OF 1950, MUNNAR P.O.,
DEVIKULAM TALUK, IDUKKI DISTRICT,
REPRESENTED BY ITS PRESIDENT R.KUPPUSWAMY,
S/O.RAMASWAMY, AGED 84 YEARS,
NALLATHANNY ROAD, MUNNAR.P.O., DEVIKULAM.

2. R.KUPPUSWAMY,
S/O.RAMASWAMY, AGED 84 YEARS,
PRESIDENT, SOUTH INDIAN PLANTATION WORKERS UNION,
REGD.NO.42/1950, NALLATHANNY ROAD,
MUNNAR P.O., DEVIKULAM TALUK.

BY ADV. SRI.K.GOPALAKRISHNA KURUP

RESPONDENTS:
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1. SUPERINTENDENT OF POLICE,
IDUKKI.

2. DEPUTY SUPERINTENDENT OF POLICE,
MUNNAR

3. CIRCLE INSPECTOR OF POLICE,
MUNNAR.

4. SUB INSPECTOR OF POLICE,
MUNNAR.

5. A.K.MANI,
AGED ABOUT 55 YEARS,
S/O.KADAKKANAI, NADAYAR ROAD,
MUNNAR P.O.

6. D.KUMAR,
AGED ABOUT 48 YEARS,
S/O.DURAIRAJ, NEAR WORKSHOP
RESERVATION CLUB, MUNNAR.

7. G.MUNIANDY,
AGED ABOUT 53 YEARS,
S/O.GANAPATHY,
NEAR K.D.H. CLUB, MUNNAR.

8. R.KARUPPASWAMY,
AGED ABOUT 49 YEARS,
LOWER DIVISION, KANNIMALAI ESTATE,
MUNNAR P.O.,

9. P.JAYARAJ,
AGED ABOUT 50 YEARS,
EAST DIVISION, NALLATHANNY ESTATE,
MUNNAR.P.O.

10. VIJAYAKUMAR,
AGED ABOUT 41 YEARS,
TEACHER'S QUARTERS, NEAR BLOCK OFFICE,
DEVIKULAM.

11. A.P.CHARLY,
AGED ABOUT 52 YEARS,
S/O.PARAMASIVAN, PUTHUKADY DIVISION,
KUNDALAI ESTATE, S.P.PURAM P.O.

12. P.SURESH,
AGED ABOUT 36 YEARS,
NEW MUNNAR DIVISION, SEVENMALAI ESTATE,
MUNNAR P.O.

13. P.JAYARAJ,
AGED ABOUT 47 YEARS,
KORANDIKADU DIVISION, GRAMSLAND ESTATE,
MUNNAR P.O.

14. K.M.IMBANATHAN,
AGED ABOUT 61 YEARS,
FACTORY DIVISION, PALLIVASAL ESTATE,
MUNNAR P.O.

15. DEVIAPPAN,
AGED ABOUT 63 YEARS,
LOWER DIVISION, DEVIKULAM ESTATE,
MUNNAR P.O.

16. N.PITCHAI RAWTHER,
AGED ABOUT 69 YEARS, EAST DIVISION,
LETCHMI ESTATE, MUNNAR P.O.

17. C.KUTTIAPILLAI,
AGED ABOUT 51 YEARS,
URVASI STUDIO, MUNNAR P.O.

18. THE SUB DIVISIONAL MAGISTRATE (R.D.O),
DEVIKULAM.

R1 TO R4 & R18 BY SR.GOVERNMENT PLEADER SMT.K.MEERA
ADV. SRI.JOICE GEORGE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.27017 O0F 2007-N

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1 TRUE COPY OF ORDER DATED 29.7.2004 IN CRL.R.P.NO.1449/2004

EXT.P2 TRUE COPY OF THE JUDGMENT IN O.S.NO.12/2006 OF THE MUNSIFF'S COURT, DEVIKULAM DATED 10.11.2006

EXT.P3 TRUE COPY OF THE JUDGMENT DATED 24.5.2007 IN A.S.NO.121/2006 OF THE DISTRICT COURT, THODUPUZHA.

EXT.P4 TRUE COPY OF THE ORDER PASSED BY 18TH RESPONDENT DATED 26.1.2006

EXT.P5 TRUE COPY OF THE JUDGMENT DATED 17.3.2006 IN CRL.M.C.NO.276/2006

EXT.P6 TRUE COPY OF THE PROCEEDINGS DATED 31.3.2006 BY WHICH POSSESSION OF THE BUILDING WAS HANDED OVER

EXT.P7 TRUE COPY OF THE LETTER DATED 31.3.2006 ISSUED BY 18TH RESPONDENT

EXT.P8 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONERS BEFORE 18TH RESPONDENT DATED 22.8.2007

RESPONDENTS' EXHIBITS:

EXT.R5(A) TRUE COPY OF THE AFFIDAVIT AND THE PETITION I I.A.NO.621 OF 2006 DATED 3.10.2006 IN O.S.NO.54 OF 2006 FILED BY THE PETITIONERS BEFORE THE SUB COURT, THODUPUZHA FOR APPOINTMENT OF A RECEIVER TO TAKE POSSESSION OF THE OFFICE OF THE SIPW UNION

EXT.R5(B) TRUE COPY OF THE APPLICATION DATED 5.12.2006 FOR APPOINTMENT OF A RECEIVER FILED BY THE PETITIONERS IN A.S.NO.121 OF 2006 IN THE COURT OF DISTRICT JUDGE, THODUPUZHA.

/ TRUE COPY /

H.L.DATTU, C.J. & K.T.SANKARAN, J.

W.P.(C) No.27017 of 2007

Dated, this the 15th day of October, 2007

JUDGMENT

H.L.Dattu, C.J.

There is a civil dispute between the parties. Various suits have been filed before various forums. In fact, the petitioners have already filed a civil suit before the Sub Court, Thodupuzha in O.S. No.54 of 2006. The reliefs sought in the said civil suit are more or less identical with the reliefs sought in this writ petition. In our opinion, none of the reliefs sought by the petitioners in this writ petition can be granted by us. Since the dispute between the parties is in the nature of a civil dispute, the same can be resolved only by a civil court.

2. Therefore, we decline to entertain this writ petition and accordingly it is rejected.

Ordered accordingly.

(**H.L.DATTU)**
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

vns